

ADMINISTRATIVE - INTERNAL USE ONLY

10 APR 1988

MEMORANDUM FOR: Director of Central Intelligence

FROM: Richard J. Kerr  
Deputy Director for Administration

SUBJECT: Information Security Initiatives Presented to  
the National Security Council by the Director,  
Information Security Oversight Office [REDACTED]

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This memorandum contains information pertinent to an item we understand will be considered by the National Security Council. Aspects of this have potential to erode your authority to protect intelligence sources and methods information and require that you take action at the NSC level if you wish to prevent this erosion. [REDACTED]

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1. Background: The Director of the Information Security Oversight Office (ISOO) has forwarded 13 initiatives for consideration by the National Security Council. In presenting his initiatives, D/ISOO failed to document the strong objections that CIA raised concerning a number of them. These initiatives have been favorably reviewed by the Senate Select Committee on Intelligence (SSCI) and, if endorsed by the NSC, they will be given further support in General Stilwell's draft report soon to be forwarded for your review and endorsement.

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2. Two of the initiatives are in conflict with your statutory authority to protect sources and methods: [REDACTED]

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ISOO Initiative #1 regarding Overclassification/Unnecessary Classification - That ISOO issue a directive on security education that includes the establishment of minimum requirements for mandatory training of classifiers of original and derivative classification decisions and the use of classification guides.

CIA Position: This initiative would permit ISOO to, in effect, mandate the qualifications which all Government employees must meet before being authorized to classify information. This initiative would give ISOO control over who in CIA is permitted to make classification decisions. It is our view that the authority should remain with the

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DCI to decide who should or should not be permitted to make CIA classification decisions. We would have no objection if ISOO were to develop voluntary qualifications guidelines for classifiers as opposed to mandatory requirements.

[REDACTED]

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ISOC Initiative #13 regarding Unauthorized Disclosures - That the President call upon the Attorney General to revise existing guidelines on investigations of unauthorized disclosures.

[REDACTED]

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CIA Position: The initiative, as written, fails to take into account the fact that national security equities are what should drive the development of guidelines for Intelligence Community investigations in this area. The initiative does not recognize the distinction between investigations by the Community for the purposes of identifying those who make disclosures, of preventing future disclosures, and of determining the extent of damage done, as opposed to investigations by the FBI for purposes of criminal prosecution. Although the Community must vigorously support criminal prosecutions of unauthorized disclosures in those cases where prosecutions would not compromise the national security, the investigations done by the Community are not done for the purpose of gathering evidence for such prosecutions; the independent character of Intelligence Community investigations must be preserved. Nonetheless, we do find it commendable that D/ISOO is willing to join the fight against unauthorized disclosures.

[REDACTED]

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3. Another of the initiatives, while not a direct erosion of DCI authority, is logically flawed and has the potential to create an administrative nightmare.

[REDACTED]

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ISOO Initiative #3 regarding unnecessary classification -

(i) That employees be required to report all instances of improper classification (overclassification, underclassification, unnecessary classification or procedurally incorrect classification); and (ii) that agencies provide an effective means for employees to challenge classification decisions free from the fear of retaliation.

[REDACTED]

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CIA Position: The original objective pertaining to this recommendation is to encourage persons who believe information is improperly classified to bring this to the attention of responsible officials. We believe part (ii) of the initiative is responsive to this goal. However, part (i) requires all federal workers to report, in effect,

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their opinions about classification decisions with which they may disagree. It is patently unfair to hold employees at risk of censure for failing to report an opinion, particularly when the receiving employee's opinion would be, in most cases, less informed than that of the originator. Moreover, since virtually any classification discrepancy, no matter how minor, would be required to be reported, this initiative could well create an administrative burden of monstrous proportions. In sum, part (ii) seems to provide a remedy for any serious breach of classification rules. Part (i) should not be implemented; existing ISOO inspection procedures and others currently being recommended are the proper remedies for minor or technical irregularities.

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4. Recommendation: It is recommended that you raise the above considerations when the ISOO initiatives are discussed by the National Security Council.

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Richard J. Kerr

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